

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 25377 of 1997

Between:

K.V.Surya Rao, S/o. Suryanarayana Murthy.
Incharge Assistant Engineer (Housing) Koyyuru, Visakhapatnam.

Visakhapatnam District

..... PETITIONER

AND

- 1 The Secretary to Govt. of A.P. Housing (RH) Department.,
Secretariat Buildings, Hyderabad.
- 2 The Managing Director., A.P.State Housing Corporation Ltd.,
Hyderabad.
- 3 The District Collector/Executive Director, A.P.State Housing Corp. Ltd.,
Visakhapatnam.
- 4 The District Manager, (Housing), A.P.State Housing Corporation. Ltd.,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 3rd respondent in proposing to revert the petitioner as Technical Works Inspector from the post of Incharge Assistant. Engineer as illegal, arbitrary violative of Articles 14 and 16 of the Constitution of India, violative of principles of natural justice and also contrary to the orders of this Hon'ble Court, dated 19/03/1996 passed in W.A.No. 207/96 and consequently direct the respondents to regularize the service of the petitioner in the cadre of Assistant. Engineer from the date on which his immediate junior was promoted as Assistant Engineer.

Counsel for the Petitioner:MR.A.RAMAKRISHNA

Counsel for the Respondents.: MR.V.CH.NAIDU

The Court made the following :

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ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in proposing to withdraw the in-charge arrangement under which he was asked to work as in-charge Assistant Engineer. The petitioner sought for a direction to the respondents to regularize his services in the cadre of Assistant Engineer. But the stand of the respondents is that there are many seniors who are eligible for promotion, apart from lack of vacancies in the cadre of Assistant Engineer.

At the time of hearing, it is represented that the Government issued G.O.Rt.No.114 dated 19.04.1999, under which the respondent-corporation was directed to continue these in-charge Assistant Engineers in the same status drawing their own scales of pay till their turn comes up for consideration of their promotions as Assistant Engineers.

As it is stated that an order was passed by the respondent-Corporation in terms of the said G.O., the subject matter in this writ petition has become infructuous.

Hence, the Writ Petition is dismissed as infructuous. No costs.

01.10.2004

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Secretary to Govt. of A.P. Housing (RH) Department.,
Secretariat Buildings, Hyderabad.
- 2 The Managing Director., A.P.State Housing Corporation Ltd.,
Hyderabad.
- 3 The District Collector/Executive Director, A.P.State Housing Corp. Ltd.,
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